

ARIZONA DEPARTMENT OF TRANSPORTATION CIVIL RIGHTS OFFICE

TITLE VI NONDISCRIMINATION PROGRAM 2016 LIMITED ENGLISH PROFICIENCY PLAN



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LIMITED ENGLISH PROFICIENCY- LANGUAGE ACCESS PLAN

The Arizona Department of Transportation (ADOT) will be innovative and proactive in engaging individuals from different cultures, backgrounds, and businesses throughout its programs and activities. Limited English Proficiency (LEP) is a term used to describe individuals who are not proficient in the English language. ADOT's LEP/Language Access Plan is designed to comply with Title VI of the Civil Rights Act of 1964 and Executive Order 13166 which prohibit recipients of Federal financial assistance from discrimination based on national origin.

Racial breakdown for the state of Arizona

White alone	83.5%
Black or African American alone	4.8%
American Indian and Alaska Native alone	5.3%
Asian alone	3.4%
Native Hawaiian and Other Pacific Islander alone	0.3%
Two or More Races	2.7%
Hispanic or Latino	30.7%
White alone, not Hispanic or Latino	55.8%

This data can be found at: <http://www.census.gov/>

Authorities

The following matrix illustrates legal and policy considerations that require ADOT to provide LEP persons with meaningful access to programs, activities, and services.

Title VI of the Civil Rights Act of 1964	Limited English Proficiency Executive Order 13166
Federal law	Federal policy
Enacted July 2, 1964	Signed August 11, 2000
Considers all persons	Considers eligible population
Contains monitoring and oversight compliance review requirements	Contains monitoring and oversight requirements
Factor criteria is required, no numerical or percentage thresholds	Factor criteria is required, no numerical or percentage thresholds
Provides protection on the basis of race, color, and national origin Focuses on eliminating discrimination in federally-funded programs	Provides protection on the basis of national origin; focuses on providing LEP persons' federally-funded programs with meaningful access to services using factor criteria
Annual Accomplishment and Upcoming Goals Report to FHWA	Annual Accomplishment and Upcoming Goals Report to FHWA
Provides protection on the basis of age, sex and disability	Provides protection on the basis of age, sex, and disability

Roles and Responsibilities

Recipients of federal financial assistance are required to take reasonable steps to provide LEP individuals with meaningful access to their programs, activities, and services (EO 13166). The following chart, although not exhaustive, illustrates activities and responsibilities that are required to adhere to LEP directives. The chart also outlines the responsibilities of the Civil Rights Office (CRO) and the various ADOT Program Areas. Each program area will be responsible for conducting a Four Factor Analysis and ensuring compliance with LEP requirements on a project by project basis. Quarterly, Title VI Liaisons will provide the initial analyses to ADOT CRO to conduct a secondary examination for identification of possible variances and trends.

Activity	Responsibility ADOT Division / Program	Title VI Program
1. Assessing and addressing the needs of eligible persons (Conduct a Four Factor Analysis)	X	
2. Taking reasonable steps or ensuring that responsible steps are taken to ensure meaningful access	X	
3. Developing and implementing monitoring control mechanisms to ensure delivery of service and ongoing compliance	X	X
4. Compliance, monitoring, and oversight	X	X
5. Providing technical assistance and guidance		X
6. Reporting accomplishments and goals	X	X

Program Areas will use the below LEP Four Factor Analysis

Factor 1: Identify the number and proportion of LEP persons served or encountered and eligible for service population by the ADOT Program/Project

Factor 2: Identify the Frequency in which LEP Persons Encounter the ADOT Program/Project

Factor 3: Identify the Importance of Services Provided by the ADOT Program/Project

Factor 4: Identify available resources, including language assistance services varying from limited to wide ranging with varying costs by the ADOT Program/Project

AGENCY LEP FOUR FACTOR ANALYSIS

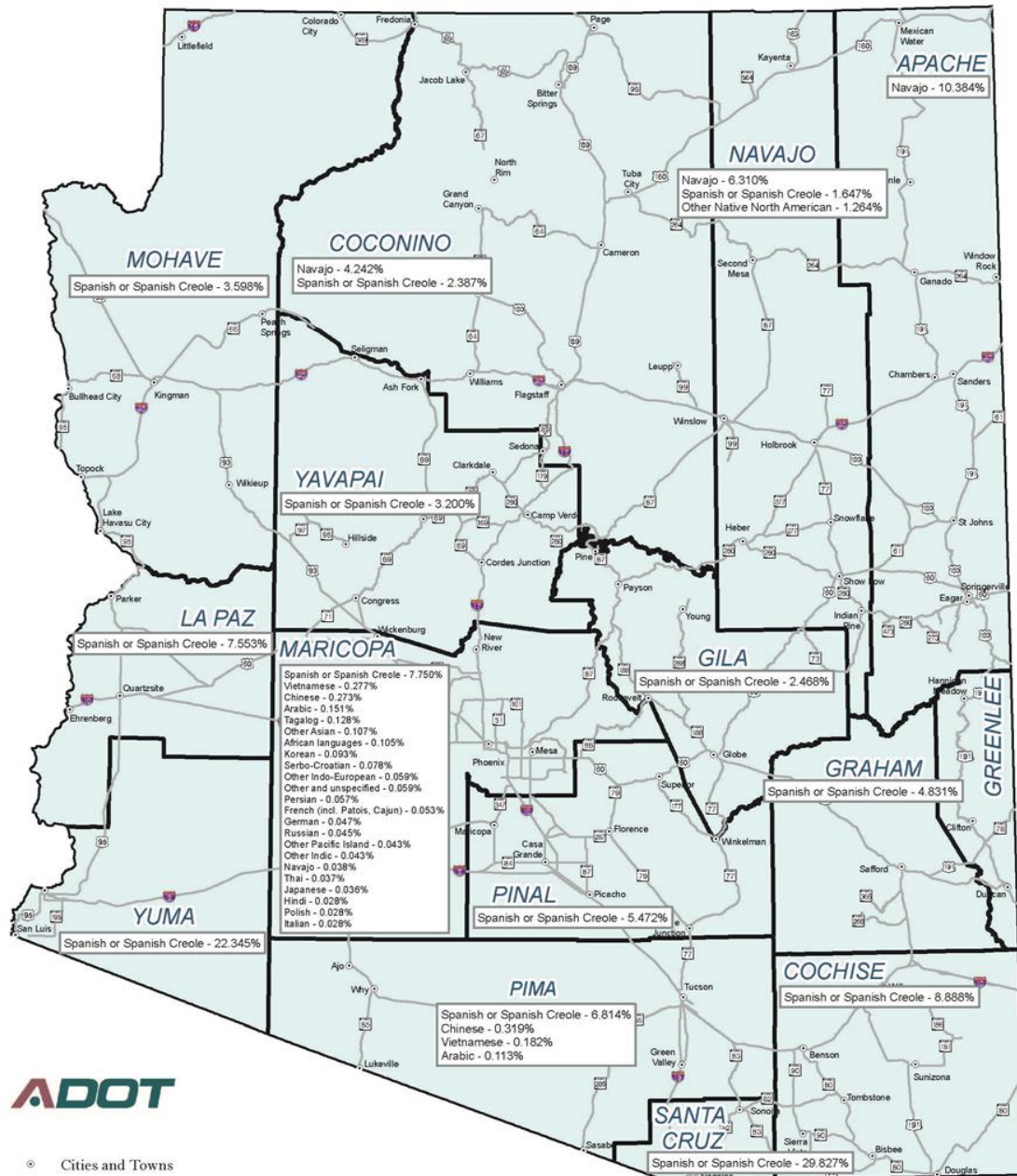
(NOT INTENDED TO RELINQUISH EACH PROGRAM AREA'S RESPONSIBILITY TO CONDUCT THIS ANALYSIS ON A PROJECT BY PROJECT BASIS)

In developing this plan; ADOT undertook a U.S. Department of Transportation four-factor LEP analysis which considers the following:

- 1) The number or proportion of LEP persons eligible in Arizona who may be served or likely to encounter ADOT programs, activities, or services. Based on Arizona populations, Spanish and Navajo have been identified as the most frequently encountered languages. The below map identifies LEP populations by county.

Limited English Proficient (LEP) -

Percent of Population of Arizona Counties That Speak English Less Than "Very Well"



ADOT

- Cities and Towns
- State Highway System
- ▬ County
- ▬ Language and percentage of population in the county that speak English less than "very well"



Note:
The State of Arizona makes no claims concerning
the accuracy of this map nor assumes any liability
resulting from the use of the information herein.

Prepared by:
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009.712.7353 May 2016

0 15 30 60 Miles

*Language Spoken at Home by ability to speak English for the population 5 years and over in Arizona Counties
2010-2014 American Community Survey 5-Year Estimates
**Source: U.S. Census Bureau, 2010-2014 American Community Survey 5-Year Estimates
***Populations that speak English less than "very well" for all known or identified languages in each county of Arizona
****Threshold: Native language = 5% or more of the population of the county or 1000 or more people of the native language in the county - whichever is less

2) The frequency with which LEP individuals come in contact with ADOT programs and services. ADOT program areas identified to have interaction with the public are listed below:

- Motor Vehicle Division
 - Customer Services
 - Specialty Registration and Licensing Program
 - Division Operational Support Services
- Communications
 - Community Relations
 - Public Information
- Enforcement and Compliance Division
 - Office of Inspector General
 - Enforcement Services Program
- Policy Advisor to the Director
 - Executive Hearings Office
 - Business Engagement and Compliance Office
- Business Operations
 - Civil Rights Office
 - Human Resources
- Administrative Services Division
 - Audit and Analysis
 - Procurement
 - Grand Canyon Airport
- Infrastructure Delivery and Operations Division (IDO)
 - Engineering Consultant Section
 - Construction Group
 - Environmental Planning Group
 - Right of Way
- Transportation Systems Management and Operations (TSMO)
 - Maintenance
 - Emergency Preparedness and Management
- Multimodal Planning Division
 - Transit and Aeronautics
 - Tribal Planning and Coordination
 - Pedestrian and Bicycle Programs
 - Research
 - Studies and Programs
 - Corridor Planning
 - Long Range Planning
 - Priority Planning

- 3) The nature and importance of the program, activities or services provided by ADOT to the LEP population.

All of ADOT's programs are important; however, ADOT has identified those related to safety, public transit, ROW, environment, nondiscrimination, public involvement and communication are among the most important.

As such, publications and other material disseminated regarding these programs are routinely available in both English and Spanish. ADOT will strive to provide alternative but meaningful accessibility to all LEP populations. Moreover, ADOT will evaluate its programs, services and activities to ensure that persons who may be LEP are always provided with meaningful access.

- 4) The resources available to ADOT and overall cost to provide LEP assistance.

ADOT makes every effort to make its programs, services and activities accessible to LEP individuals. ADOT will use available resources, both internal and external, to accommodate reasonable requests for translation. Further, ADOT will ensure that when requested, interpretation services will be provided free of cost, regardless of the language, when requested within reasonable notice.

ADOT has identified and proposes the following resources for LEP:

- 1) List containing direct contact information for staff who has volunteered to assist as interpreters and/or translators if needed. Lists will be verified and updated annually for each program area by the Title VI Liaison, this list will be published on the ADOTNet under the "Title VI Resources" tab
- 2) Program areas that have contact with the public will use "I Speak" language cards to identify language needs in order to match them with available services. Language cards will be verified and distributed annually by the program area Title VI Liaison.
- 3) A list of web based translation services for use, when required
- 4) A list of telephone interpretation services for use, when required
- 5) A list of translation services for use, when required

ADOT CRO makes the below Title VI information, available in Spanish:

- 1) Title VI and Nondiscrimination Notice to the Public
- 2) Complaint Procedures
- 3) Complaint Form
- 4) Title VI Informational Brochures
- 5) Self-Identification Cards for use of demographic data

Safe Harbor Stipulation

Federal law provides a "Safe Harbor" stipulation so that recipients such as ADOT can ensure with greater certainty that they comply with their obligations to provide written translations in languages other than English. A "safe harbor" means that if a recipient (ADOT) provides written

translations in certain circumstances; such action will be considered strong evidence of compliance with the agency's written-translation obligations under Title VI.

The failure to provide written translations under the circumstances does not mean there is noncompliance, but rather provides a guide for recipients that would like greater certainty of compliance that can be provided by a fact-intensive, four factor analysis. For example, even if a safe harbor is not used, if written translation of a certain document(s) would be so burdensome as to defeat the legitimate objectives of its program, it is not necessary. Other ways of providing meaningful access, such as effective oral interpretation of certain vital documents, might be acceptable under such circumstances.

Strong evidence of compliance with the recipient's written-translation obligations under 'safe harbor' includes providing written translations of vital documents for each eligible LEP language group that constitutes 5% or 1,000, whichever is less, of the population of person's eligible to be served or likely to be affected or encountered.

This safe harbor provision applies to the translation of written documents only. It does not affect the requirement to provide meaningful access to LEP individuals through competent oral interpreters where oral language services are needed and are reasonable.

CONCLUSION:

ADOT understands that language needs will change as the Arizona population changes. Further, ADOT will comply with the requirement to assess its programs and services each year to determine compliance with various nondiscrimination regulations. As such, ADOT will revisit the LEP plan each year and make appropriate changes, as needed. For questions or concerns regarding the ADOT's commitment to nondiscrimination or to request additional information about LEP services, contact Lucy Schrader, ADA/Title VI Nondiscrimination Program Coordinator at civilrightsoffice@azdot.gov, 602-712-8946.

LEP Guidance and Resources

The guidance document and the resources listed below are provided to assist program areas with implementing LEP requirements and may be used in conjunction with this LEP Plan.

- The U.S. Department of Transportation Guidance to Recipients on Special Language Services to Limited English Proficient Beneficiaries, Federal Register/Vol. 66, No. 14/Monday, January 22, 2001.
- The U.S. DOJ Policy Guidance, Enforcement of Title VI of the Civil Rights Act of 1964-National Origin Discrimination Against Persons With Limited English Proficiency, Federal Register/Vol. 65, No. 159/Wednesday, August 16, 2000
<http://www.usdoj.gov/crt/cor/>
- U.S. Department of Justice Clarifying Memorandum, dated October 26, 2001
<http://www.usdoj.gov/crt/cor/lep/Oct26>
- United States Census 2000 Language Identification Flashcard